

SENATE BILL REPORT

SHB 1934

As Reported By Senate Committee On:
Judiciary, March 31, 2005

Title: An act relating to assault of a peace officer with a projectile stun gun.

Brief Description: Increasing penalties for assaulting a peace officer with a stun gun.

Sponsors: House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Lovick, Ahern, Dickerson, Santos, O'Brien, Williams, Simpson, Ericks and Chase).

Brief History: Passed House: 3/08/05, 91-6.

Committee Activity: Judiciary: 3/24/05, 3/31/05 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

Staff: Aldo Melchiori (786-7439)

Background: Assault in the second degree is a class B felony ranked at level of IV on the sentencing grid (3-9 months incarceration for a first offense). It involves an intentional assault and reckless infliction of substantial bodily harm, use of a deadly weapon, or assault with the intent to commit another felony. A person commits assault in the third degree, a class C felony ranked at level III on the sentencing grid (1-3 months in jail for a first offense), if the person assaults any person and with criminal negligence causes bodily harm or assaults any of several categories of people carrying out official duties including: law enforcement officers, firefighters, or transit workers.

A projectile stun gun shoots two to four small darts that remain attached to the "gun" by thin insulated wires. When the darts hit the target, an electrical circuit is completed and current is sent through the wires. The current can arc through up to two inches of clothing. The intent is to cause temporary loss of muscular control. These devices can have an effective range 20 to 31 feet.

Summary of Amended Bill: The crime of assault in the third degree is expanded to include assault of a peace officer with a projectile stun gun. The seriousness level for assault of a peace officer with a stun gun is set at level IV on the sentencing grid. A projectile stun gun is defined as an electronic device that projects wired probes attached to the device that emit an electrical charge and that is designed and primarily employed to incapacitate a person or animal.

A projectile stun gun study committee is created to review the sale and use of projectile stun guns in Washington. The committee is composed of two Senators, two Representatives, a police chief, an elected sheriff, a representative from the association of Washington cities, a representative from the Washington state association of counties, and a representative from the department of health. The committee evaluates the public safety issues created by projectile stun guns and makes recommendations regarding whether they should be regulated. The committee report is delivered to the legislature no later than December 31, 2005.

Amended Bill Compared to Original Bill: A projectile stun gun study committee is created.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: Yes.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: We need to do all we can to prevent police officers from being assaulted with projectile stun guns. There is great potential for abuse of these items in the hands of the general public. It would be appropriate to study the need to regulate projectile stun guns.

Testimony Against: None.

Who Testified: PRO: Representative Lovick, prime sponsor; James McMahan, WASPC.